

Serial No.: 09/737,453  
Attorney Docket No.: AUS9-2000-0599-US1

### REMARKS

In response to the Office Action dated June 3, 2004, claims 1, 2, 4-6, 11-14 and 16-18 have been amended. Claims 1-20 are in the case. The Applicants respectfully request reexamination and reconsideration of the present application.

Record is made of a telephonic conversation between Applicants' attorney Edmond A. DeFrank and Examiner H. Patel on August 31, 2004. The Office Action of June 3, 2004, the cited references and the pending claims were briefly discussed. A proposed amendment modifying the independent claims was discussed during the interview. Although no agreement was reached, the above amendments to the claims reflect the discussion between the Examiner and the Applicants' attorney during the conversation.

The Office Action objected to the drawings as requiring "a legend such as --Prior Art-- because only that which is old is illustrated."

The Applicants respectfully traverse this objection and respectfully submit that changes to the drawings are not required. As discussed with the Examiner during the telephonic conversation on August 31, 2004, FIG. 1 is not old, because, the client 320, which includes the novel prefetch module 360 and the learned preferences prefetch module 224 of FIG. 3 is one or more of the clients 115, 120, 125, 130, 135, 140, 145 or 150 of FIG. 1. Also, as stated in the Brief Description of the Drawings, FIG. 1 shows a computer configuration "for use with the present invention." Moreover, as stated on page 5, lines 23-24, "FIG. 2 is a block diagram of an individual computer system of FIG. 1 incorporating the present invention." Thus, since FIG. 1 incorporates at least a portion of the present invention, FIG. 1 is not old.

Next, the Office Action rejected claims 1-20 under 35 U.S.C. 103(a) as allegedly being unpatentable over Becker et al. (U.S. Patent No. 5,878,223) in view of Horvitz (U.S. Patent No. 6,067,565). In response, Applicants have amended independent claims 1, 11 and 16. Applicants respectfully request consideration of the newly amended claims.

The Applicants respectfully submit that the combined references do not disclose, teach, or suggest all of the features of independent claims 1, 11 and 16. In

particular, the combined references fail to disclose, teach or suggest the Applicants' claimed history of sub-pages visited by the user, a depth of history of each sub-page defined as a length of time between visits to each sub-page and a sub-page depth defined as a number of sub-pages with a root domain that is distinct to define user-preferred sub-pages to prefetch. In contrast, Becker et al. disclose a system and method for caching pages based on "a most likely predicted-to-be selected...page" while Horvitz discloses determining potential future interests of a user when deciding to download another page in lieu of continuing a download of a current page.

In addition, although both references disclose prefetching and caching pages, nowhere in the combined references is there a disclosure, teaching or suggestion of the Applicants' claimed prefetching of sub-pages based on actual sub-page visits represented by depth of history of sub-pages defined as a length of time between visits to each sub-page and a sub-page depth defined as a number of sub-pages with a root domain that is distinct. Instead, both of these references rely on the use of advanced "predictive" methods (Becker et al. uses prediction tables and Horvitz uses Bayesian networks, Hidden Markov models and advanced artificial intelligence algorithms) to effectively "guess" which pages are to be prefetched.

Further, there is no motivation to combine these references because both of these references are missing the Applicants' claimed depth of history and sub-page depth and require and rely on advanced predictive techniques, which is a teaching away from the Applicants' invention. Consequently, the references cannot be properly combined and, thus, cannot render the Applicant's invention obvious. (MPEP 2143). As such, the Applicants' respectfully submit that the rejections under 35 U.S.C. 103 are overcome.

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

In view of the arguments and amendments set forth above, the Applicant respectfully submits that the claims of the subject application are in immediate

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condition for allowance. The Examiner is respectfully requested to withdraw the outstanding claim rejections and to pass this application to issue. Additionally, in an effort to expedite and further the prosecution of the subject application, the Applicant kindly invites the Examiner to telephone the Applicant's attorney at (818) 885-1575.

Respectfully submitted,  
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